

July 13, 2016-Summary Meeting Minutes

A regularly scheduled meeting of the Maricopa County Local Emergency Planning Committee (MCLEPC) was held on July 13, 2016 at KTAR 7740 N. 16th St., Phoenix, Arizona 85020.

Call Meeting to Order

With a quorum being present, Chair Anterre Beebe, called the meeting to order at 1807 and instructed the members and guests to introduce themselves.

Members/Designees Present:

Aaron Farnham	KTAR
Anterre Beebe (Chair)	Envirosure Solutions
Billy Ross	Citizen at Large
Brian Hickey	DC, Mesa Fire
Georgina Marin	Maricopa County Public Health
Jared Grow	Banner Health
Joan Minichiello	Maricopa County Environmental Services
Julie Symopoulos	Maricopa County Emergency Management
	(proxy) For Pete Weaver
Scott Grane	City of Phoenix Fire Department

LEPC Support Staff

Kelly McDowell, Recording Secretary	Maricopa County Emergency Management
Ryan Campbell, LEPC Coordinator	Maricopa County Emergency Management

Members Absent

Ceresa Stewart	Maricopa County Air Quality
Chris Haupt	DPC Enterprises
Eugene See	Maricopa County Public Health
Greg Edelen	RETA President
Jannine Wilmoth (Vice Chair)	Glendale Emergency Management
Michael Trapasso	Univar USA
Mike Fusco	Citizen at Large
Tim Newbill	City of Goodyear Emergency Management

Public Attendees

Bill Jones	US EPA
Gene Wikle	DEMA
John Yates	TARR
Michael Engle	MGC Plain Chemicals America
Randy Wright	Albertsons
Sara Billenstein	Member of Public

Scott Meyer
Steve Brittle
Yvonne Rodriguez

Don't Waste Arizona
Don't Waste Arizona
ADEQ/AZSERC

Speaker from EPA Region 9 – Bill Jones:

- The 30th Anniversary for Bhopal India is coming up from December 1984
- As a result of Bhopal and the Institute, WV incident we have:
 - Full name: Title III of the Superfund Amendments and Reauthorization Act
 - AKA: Emergency Planning and Community Right-to-Know Act of 1986
 - Nick-name (that has stuck): EPCRA
 - U.S. EPA was given the lead role in building programs to prepare for and prevent chemical accidents through EPCRA
- With the anniversaries coming up it allows us to reflect and assess:
 - Are there ways to enhance industry reporting and facility emergency plans?
 - Are the local plans connected to facility plans and tested and/or exercised?
 - Are there technologies to facilitate delivery of information to states, local communities, and fire departments?
 - Is the public receiving the information they need about chemicals and chemical risks in their communities?
- Strengthening Community Planning Preparedness
 - Enhancing and upgrading CAMEO suite of applications
<https://www.epa.gov/cameo>
 - On-line training resources for first responders and emergency planners:
<http://www.epa.gov/epcra/epcra-training-states-tribes-lepcs-local-planners-and-responders-non-section-313>
 - Fact Sheet, *How to Better Prepare Your Community for a Chemical Emergency: A Guide for State, Tribal, and Local Agencies*: <https://www.epa.gov/epcra/how-better-prepare-your-community-chemical-emergency-guide-state-tribal-and-local-agencies>
- Should be having an Ammonia day in February 2017
 - 3rd largest by volume of chemical = 5,246,743
 - 1st in # of Facilities = 6,884
 - 1st in # of Processes = 8013
- Questions from the public were deferred to the Call to the Public time and are noted in that section.

Approval of the meeting minutes for January 13, 2016:

- Minutes were approved with motion by Billy Ross and seconded by Joan Minichiello – motion passed with [a few minor verbiage changes proposed by Joan Minichiello and Julie Symopoulos.] Pending correction

Quarterly NRC Report:

- There is a reports list of 37 different incidents since the last meeting.
- Ryan gave an explanation regarding incidents at Intel and Shamrock Foods, Co.
- Motion was made by Julie Symopoulos to approve both reports with Scott Grane as a second – motion passed.
- Public Comment: Mr. Steve Brittle requested that reports be made more available as well as the results of each report.

AZSERC Updates:

- AZSERC had a meeting on June 6, 2016 and they agreed to hold two (2) meetings a year. A schedule will be coming out soon for the next meeting.
- Discussion was on what the committee will look like and how it will be operated. The EPA and Homeland Security were added to the committee.
- The website is currently being updated and is already available.
- Fire departments will be able to research what hazardous materials are on scene at the time of the incident as opposed to waiting and finding out after the incident is over.
- The Tier II database is an aged piece of technology and is being updated currently. Several new features will be available.
 - A dashboard will be available for people to see what fees and such they need to pay
 - Credit Cards will now be available.
 - Data transfer will take place within the next few months.
 - Hope to have the new Tier II database up and running by December 2016.

Subcommittee Report:

Plan Subcommittee

- The Plan Review Group was presented by Ryan as Mike Fusco, Chairman of the committee was unable to be at the meeting.
 - There are some basic changes.
 - The plan is available for comments from all members until October 30, 2016
 - Once these changes have been made the plan will be sent to the LEPC Committee and voted on at the next meeting.

Membership Subcommittee

- Brian Hickey has applied to take the place of Rich Kochanski. His application (copy below)
- Michael Engle's application [has been reviewed by the Membership Committee and has been approved and passed to the current Membership for approval.]

- It has been requested that we accept the resignation of Othell Newbill who will be retiring at the end of the summer.
- Membership changes were motioned for approval by Aaron Farnham and second by Joan Minichiello – motion passed

Rules Subcommittee

- It has been suggested that there be verbiage change.
- It was requested to be added that meeting minutes be required to be reviewed and sent to Committee members within 30 days of the meeting.
- The bylaws with recommended changes are open for comment until September 30, 2016. All proposed changes will be voted on at the next meeting

Good of the Order:

- Anterre Beebe talked about ammonia day.

Call to the Public:

- Mr. Steve Brittle:
 - Regarding the EPA Power Point slide show
 - Is any of your roll to assure that the CERT and LEPCs in the State are in compliance with that program? He asked Bill Jones and then he said he would ask those who are in the room.
 - Last time I made a Tier II request I was told they don't have access to the online database, so I was directed to the AZERC, which I will address latter. But as the guy who used to run the Plan Subcommittee, if your plan refers to the database and you don't have access to it, then your place is a fraud. So what is the EPA going to do to make the LEPCs here work? It wasn't their decision, it was an AZERC decision but their running on nothing they have no access to their own Tier II data. So what are you going to do about it? **(NOTE: The previous comments from Mr. Brittle and the following five paragraphs of comments were given before the public comment period. After the previous comment (above), LEPC member, Mr. Scott Grane, asked for a point-of-order about questions or comments from the public and if it was appropriate for public comments or questions at this time. After discussion amongst LEPC members it was concluded that comments or questions from the public should occur during the Call to the Public as scheduled on the agenda. The LEPC Chair advised Mr. Brittle that he would need to wait until that time.)**
 - My question to you regarding that (Call to the Public) During call to the public you are not allowed to respond to call to the public so I can ask all the questions I want during that time and you're not allowed to respond so that the trick in, that is the game? It's obvious what is going on here, after being on this thing for ten (10)

years I am just appalled just appalled at the way you are conducting this. The chair apologized and Mr. Brittle said “no you are not.”

- It appears to me that a notice of intent to sue for violating the EPCRA.
- Mr. Brittle stated he would have to ask his questions to Bill Jones because obviously the community has been cut off from the community right to know law. He stated that access to the Tier II is not the only problem.
- I will put it on the record or is that part of the big scam. He stated he would look forward to seeing this in the minutes then once they have been posted.
- NRC report
 - Stated that the NRC reports provided were not the full reports. Where are the names of the facilities – what a game – what a scam.
- Call to the public
 - States they have conducted significant enforcement of emergency planning. Is very aware of the law and he helped develop the curriculum for the LEPC many years ago but it doesn't seem like people here have read it recently and I would suggest that you do because you are out of compliance.
 - Talked about the emergency plan while your database was unavailable your emergency plan was just pieces of paper in a binder. And that puts the entire public at risk and is unacceptable. And to further to point out the problems with your group here you will notice a call reporting a company that had discharged 13,685 lbs of hydrogen fluoride and hydrogen fluoride has 100 lbs RQ there is no written follow up nor was there anyone to follow up and say where is it. That indicates complete failure on your part.
 - The other thing is I had developed some concerns about a facility in the west valley that is releasing above the RQ hydrogen sulfide and ammonia. I provided an emergency notification to both Maricopa County LEPC and the State Emergency Response Commission. Nothing was done.
 - At this point, in my opinion, you have created gross negligence by failing to respond to a chemical release report. That is a very serious problem, if you can't respond to a notification, then what are you here for? That raises some serious questions. Your agency is out of compliance with the Emergency Planning and Community Right to Know Act.
 - The law says I can go to the LEPC during normal business hours and get a Tier II report for a facility. If you do that you are told “that we don't have access to it.” Well that is a violation of the federal law. Now with the particular incident where I asked for one someone had believed they had been injured by chemical exposure and asked for the Tier II report for the facility. I went to the state

response commission and they thought they had 45 days because they admitted that they had no training either. Even though that is not your jurisdiction I wanted you to get the big picture. The whole thing is fail. Then I had to threaten to sue them and then I got it. But this is the problem with both the LEPC here and the AZSERC but the entire Maricopa County and probably the State of Arizona is at risk because of the failure of the entire emergency planning and network response here.

- So I really really question what you're doing here and I couldn't be more disappointed and horrified in finding out your little children have turned in to little Frankenstein.
 - When I came to the LEPC they were callus and indifferent to the chemical releases that causes adverse impacts on the low income and minorities in South Phoenix community. We had thought that things had gotten better but we have found that they have gone bad, real bad and we will probably promulgate a notice of intent to sue for violating the statute of the Emergency Planning and Community Right To Know Act.
 - I know most of you are volunteers however you have a fiduciary obligation to do the job that you are here to do. Now by failing to respond to an emergency notification that is gross negligence and people are harmed, I can document that. So you might want to talk to an attorney.
- Mr. Scott Meyer
 - When I review the emergency plan I actually used the word disturbing – but you know with the structural changes that when he reviews the plan he expects to see exactly what the gentleman brought up earlier that the LEPC does not have access to the chemical database.
 - Despite state law that we have an emergency response means more than answering the phone but I expect that to be in the plan took, and have and contingency planning if they don't respond If I don't see that then (unable to understand him after this point).

Announcement of next LEPC Meeting:

- The Chair announced that the next meeting is scheduled for October 5, 2016 at 1:00 pm to 3:00 pm at Mesa Fire Station 201, 360 East First Street, Mesa AZ 85201

Adjournment:

- With no further business the Chair asked for adjournment motioned by Billy Ross and seconded by Aaron Farnham.
- Meeting adjourned at 1910.